

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Request of Engineers Frequency Advisory	)	WP Docket No. 14-235
Committee, LLC ("EFAC"), To Be Certified	)	
As A Part 90 Frequency Coordinator	)	

To: The Federal Communications Commission

**NETMOBY, INC. COMMENTS IN FAVOR OF REQUEST FOR EFAC  
TO BECOME A PART 90 FREQUENCY COORDINATOR**

NetMoby, Inc. ("NetMoby"), hereby respectfully submits its comments with respect to the Request for Certification filed by Engineers Frequency Advisory Committee, LLC.<sup>1 2</sup> NetMoby asks that the Federal Communications Commission ("Commission" or "FCC") deny the petition of LMCC for the following reasons.

EFAC requests the Commission to certify it as a Part 90 frequency coordinator in accordance with its requirements<sup>3</sup> governing eligibility for frequency coordinators.

Abundant Evidence Exist That Grant Of Its Request Will Avail The  
Much Needed Addition Of More Frequency Coordinators  
For The Public Land Mobile Radio Industry

The criteria the Commission established in 1986 for PLMR frequency coordination certification were (1) representativeness of the users of the frequencies to be coordinated, (2) the entity's overall coordination plan (inclusive of how

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<sup>1</sup> FCC Public Notice DA 14-1729, Released: DECEMBER 2, 2014.

<sup>2</sup> EFAC Request for Certification, November 4, 2014

<sup>3</sup> See Frequency Coordination in the Private Land Mobile Radio Services, Report and Order, PR Docket No. 83-737, 103 F.C.C. 2d 1093 (1986).

recommendations would be made with equality and in a non-discriminatory manner), (3) the entity's experience and technical expertise coordinating frequencies in the PLMR service, and (4) its nationwide frequency coordination capability.<sup>4</sup>

EFAC's request thoroughly proves that it meets and exceeds the four PLMR Part 90 frequency coordinator eligibility criteria. On June 11, 2013, the County of Clayton Georgia passed Resolution No. 2013-153 authorizing the County to enter into a consulting agreement with TUSA to remedy obsolescence of critical radio infrastructure and convert to a 700 MHz Project 25 radio system; Blue Wing Services, Inc. completed a spectrum search to meet the operational needs for Sullivan County NY; and Shulman Rogers has participated with Part 90 frequency coordinators in a discussion with FCC personnel concerning how those licensees who have failed to narrowband their VHF and UHF systems should be treated. This is merely three out of hundreds of examples of representativeness of EFAC members on behalf of PLMR user organizations.

Absent from the four primary rules enumerated above to meet frequency coordinator eligibility compliance are any fifth, sixth and seventh eligibility requirements eluded to by incumbent coordinator APCO as its representatives mistakenly conveyed to the Commission staff.<sup>5</sup>

APCO, for its new and non-existent Fifth criteria, touts, in its *Ex Parte* summary, its large 22,000+ membership as a numerical qualifier of representativeness whereas nothing in the FCC Rules, Regulations, policies or the Telecommunications Act 1996 refers to any threshold quantity of PLMR service users a coordination entity must first

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<sup>4</sup> Id.

<sup>5</sup> *Ex Parte* Notification, APCO, PS Docket No 14-148 and SP Docket No. 14-235, filed December 22, 2014.

represent before being eligible to conduct frequency coordination. Any of the three entities comprising EFAC can stand on its own and list the numerous public safety and commercial entities it represents on FCC 601 application matters where in nearly all cases, the incumbent frequency coordinators they submitted to rubber stamped their specific frequency assignment request and did so because either TUSA, Blue Wing or Shulman Rogers were correct with the interference-free frequencies they submitted to accompany the 601. Simply stated, to accomplish this, they [EFAC] had to have known what they are doing; did employ commonly used and/or customized tools<sup>6</sup> for the wave propagation science that ensures interference-free operation and are thus technically competent, nationally experienced and are industry leaders. APCO states for its Sixth new criteria, that does not exist in any Commission rules, “APCO explained that the representativeness requirement is met when an association or organization is governed by those it purports to represent, and has as its mission to serve those members.” What the Commission actually stated as the first frequency coordinator eligibility requirement was “Representativeness of the users of the frequencies to be coordinated” which EFAC indeed does. APCO states this to imply, incorrectly, that EFAC does not have as its mission service to its members. The mission of EFAC is to provide frequency coordination and to do so in accordance with the trust and retention of its services, in an unbiased fashion, for “hundreds of public safety and business/industrial Part 90 users, radio manufacturers and existing Frequency Advisory Committees...”<sup>7</sup>

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<sup>6</sup> ComSite Design, ComStudy and RAPTR. TUSA also employs EZ Spectrum which it developed to mitigate potential errors in frequency selection by bumping up proposed frequencies against the FCC ULS’s near up-to-date database. No other frequency coordinators have EZ Spectrum which further bolsters to need to approve new frequency coordinators that bring innovation to the table as opposed to business as usual.

<sup>7</sup> EFAC Request for Certification at Page 10, Section II, para. A entitled “*EFAC Is Representative Of Users Of Each Radio Service Pool.*”



APCO makes up its Seventh new criteria asserting to the Commission “APCO cautioned against opening up public safety frequency coordination to private enterprises that are not representative of public safety users, as such financially motivated entities may value speed and profit margins over diligent and unbiased frequency coordination services. The trio comprising EFAC has represented many public safety entities. We disagree with this suggestion that APCO is somehow immune from financial motivation whereas any new entities coming into the frequency coordinator arena will not provide unbiased and non-discriminatory coordination services because they render remunerable services just as APCO did to the tune of \$8,431,517.69 in 2013 alone<sup>8</sup> out of which between \$1,000,000 and \$4,000,000 was borne from frequency coordination. APCO is king when it comes to financial motivation and no one comes close to the colossal income they earn on frequency coordination. While tiny EFAC is not able to have annual conventions in Anaheim CA or New Orleans LA with thousands of attendees like APCO, or lobbying offices in the National Capital area, it can certainly focus what income it makes on providing efficient services for its assigned coordination tasks.

Disapproval of the EFAC Request Would Be  
To The Detriment Of The Public's Safety By Delaying Coordination  
That Would Otherwise Be Hastened by the Addition  
Of Another Qualified Part 90 Frequency Coordinator

While we understand that APCO's goal is to weed out coordinator competition and to preserve the oligopoly formed by it and the other three incumbents, the Commission

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<sup>8</sup> APCO International 2013 Annual Report at Page 4. See <https://www.apcointl.org/about-apco/annual-reports/past-reports/440-apco-2013-annual-report/file.html>

must stand firmly behind its previous notion that competition will inure to the benefit of PLMR users under Part 90 in that frequency coordination costs will reduce<sup>9</sup>, and that becomes a *bona fide* benefit in the interest of the public in general. NetMoby asserts that denying qualified new frequency coordinators will jeopardize public safety because of a lack of choice in frequency coordinators thereby slowing down the coordination process as has already been the case. As the Commission opens new spectrum and modifies its existing Rules governing PLMR service under Part 90 it must, as a matter of ensuring the public's safety, proportionately increase the ability of the frequency coordinator pool to react, process and submit recommendations to both the frequency applicants and, ultimately, the Commission staff.

### **CONCLUSION**

For the foregoing reasons, NetMoby strongly agrees with EFAC that it meets and exceeds the Commission's four part standards for eligibility to become a Part 90 PLMR frequency coordinator. The organizing entities comprising EFAC are esteemed in the eyes of the public safety and commercial organizations they have previously represented because they just do outstanding work and there is nothing in the Commission record to suggest otherwise.

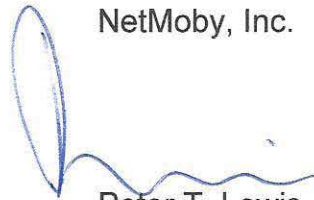
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<sup>9</sup> PR Docket No. 92-235, FIFTH MEMORANDUM OPINION AND ORDER

Therefore, NetMoby respectfully recommends without hesitation that the Commission  
GRANT the EFAC request.

Respectfully Submitted,

NetMoby, Inc.



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January 5, 2015

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